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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,337	05/25/2006	Noriaki Horii	YAMAP1000US	3486
51921	7590	09/26/2008	EXAMINER	
MARK D. SARALINO (MEI)			CHEN, SHIN HON	
RENNER, OTTO, BOISSELLE & SKLAR, LLP			ART UNIT	PAPER NUMBER
1621 EUCLID AVENUE			2131	
19TH FLOOR				
CLEVELAND, OH 44115				
MAIL DATE		DELIVERY MODE		
09/26/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/562,337	HORII ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHIN-HON CHEN	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 December 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 40-46 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 40-46 is/are rejected.  
 7) Claim(s) 43 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/23/05</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

1. Claims 40-46 have been examined.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/23/05 is being considered by the examiner.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 42-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 42-46 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the actual step of copying first audio information is omitted. The claims disclose the steps of copying first audio file involve outputting the specified second audio information without generating result related to actual copying.

***Allowable Subject Matter***

6. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcomes existing 35 U.S.C. 112 rejections.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohbi et al. U.S. Pub. No. 20040047602 (hereinafter Ohbi).

9. As per claim 40, Ohbi discloses an information recording medium comprising:  
a first recording area for recording first audio information and first management information for managing the first audio information (Ohbi: [0017]: lines 5-6: the second management area manages the audio track/first audio information); and  
a second recording area for recording second audio information and second management information for managing the second audio information (Ohbi: [0017] lines 2-4: the first management area manages the high density data track/second audio information), wherein:  
the first management information specifies the first audio information using a group number and a track number (Ohbi: [0193]: the data track/first audio information identification),

the second management information specifies the second audio information using an identification number (Ohbi: [0194]: the identification of audio track/second audio information),

the second management information includes link information which indicates that the first audio information and the second audio information are related to each other (Ohbi: [0182]: link information), and

the link information relates the group number and the track number specifying the first audio information to the identification number specifying the second audio number (Ohbi: figure 20A and 20B and [0404]).

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohbi in view of Sako U.S. Pub. No. 20020172117 (hereinafter Sako).

12. As per claim 41 and 44, Ohbi discloses the recording medium and apparatus of claims 40 and 42 respectively. Ohbi discloses having two kinds of the data format in which one is high-density data (Ohbi: [0087]). Ohbi does not explicitly disclose the second audio information is a compressed form of the first audio information. However, Sako discloses storing two kinds of audio data having same content on a recording medium in which one kind is a high-density kind

of audio information (Sako: [0022]: same content with different density). It would have been obvious to one having ordinary skill in the art to store two kinds of data audio having same content with one being in compressed form because they are analogous art for storing different data format files onto a single recording medium. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Sako within the system of Ohbi because it allows a user to handle two types of audio data in an easy and convenient manner (Sako: [0014] lines 4-6).

13. Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohbi.

14. As per claim 42, 45 and 46, Ohbi discloses a reproduction apparatus for reproducing at least one of first audio information and second audio information related to the first audio information which are recorded on an information recording medium (Ohbi: [0017]: storing two audio information with respective management areas), wherein the information recording medium includes:

a first recording area for recording first audio information and first management information for managing the first audio information (Ohbi: [0017]: lines 5-6: the second management area manages the audio track/first audio information); and

a second recording area for recording second audio information and second management information for managing the second audio information (Ohbi: [0017] lines 2-4: the first management area manages the high density data track/second audio information), wherein:

the first management information specifies the first audio information using a group number and a track number (Ohbi: [0193]: the data track/first audio information identification),

the second management information specifies the second audio information using an identification number (Ohbi: [0194]: the identification of audio track/second audio information),

the second management information includes link information which indicates that the first audio information and the second audio information are related to each other (Ohbi: [0182]: link information), and

the link information relates the group number and the track number specifying the first audio information to the identification number specifying the second audio number (Ohbi: figure 20A and 20B and [0404]).

the reproduction apparatus comprising: a reading section operable to read at least one of the first audio information, the second audio information, the first management information and the second management information from the information recording medium (Ohbi: [0019]);

(a) reproducing the first audio information using first decryption information for decrypting the first management information (Ohbi: [0022]: the first modulating means);

(b) reproducing the second audio information using second decryption information for decrypting the second management information (Ohbi: the second modulating means); and

(c) performing a copy process in response to an instruction to copy the first audio information (Ohbi: [0034]), wherein:

the step (a) includes the steps of: reading the first management information from the information recording medium; decrypting the first management information based on the first decryption information; reading the first audio information from the information recording

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medium, based on the decryption result of the first management information; and outputting the first audio information (Ohbi: [0022]: the first management area; [0050]: well known management method for protecting data).

the step (b) includes the steps of: reading the second management information from the information recording medium; decrypting the second management information based on the second decryption information; reading the second audio information from the information recording medium, based on the decryption result of the second management information; and outputting the second audio information (Ohbi: [0022]: the second management area; [0050]),

the step (c) includes the steps of: reading the link information from the information recording medium; decrypting the link information so as to specify the second audio information related to the first audio information; reading the specified second audio information from the information recording medium; and outputting the specified second audio information (Ohbi: [0034]: reading the management information to determine location of data).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ko et al. U.S. Pub. No. 20010043798 discloses recording medium for storing two types of data onto a single recording medium.

Sawabe et al. U.S. Pub. No. 20020101804 discloses information record medium that stores data into multiple areas.

Sawabe et al. U.S. Pat. No. 6687211 discloses information recording medium on which audio information differing in recording methods are recorded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shin-Hon Chen/  
Examiner, Art Unit 2131

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Art Unit 2131